

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alyssa Rogowski	Team: Squad #7	CCRB Case #: 201808612	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 09/12/2018 8:00 AM	Location of Incident: Inside § 87(2)(b) at the 63rd Precinct Stationhouse	Precinct: 63	18 Mo. SOL 3/12/2020	EO SOL 3/12/2020	
Date/Time CV Reported Wed, 10/17/2018 10:35 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 10/17/2018 10:35 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Triston Trunk	16858	958131	063 PCT
2. SGT Charles Arnone	00408	950021	063 PCT
3. POM Thomas Podd	10795	943688	063 PCT
4. An officer			063 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Slawomir Mikolajuk	24286	946005	ESU CAN
2. POM Raymond Russo	17553	959173	063 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Triston Trunk	Abuse: Police Officer Triston Trunk entered § 87(2)(b) in Brooklyn.	
B.POM Triston Trunk	Abuse: Police Officer Triston Trunk searched § 87(2)(b) in Brooklyn.	
C.POM Triston Trunk	Abuse: At § 87(2)(b) in Brooklyn, Police Officer Triston Trunk threatened to damage § 87(2)(b)'s property.	
D.POM Triston Trunk	Abuse: At § 87(2)(b) in Brooklyn, Police Officer Triston Trunk threatened to arrest § 87(2)(b) and § 87(2)(b).	
E.SGT Charles Arnone	Abuse: At § 87(2)(b) in Brooklyn, Sergeant Charles Arnone interfered with § 87(2)(b)'s use of a recording device.	
F.POM Triston Trunk	Abuse: Police Officer Triston Trunk refused to show the search warrant to § 87(2)(b).	
G.SGT Charles Arnone	Abuse: Sergeant Charles Arnone refused to show the search warrant to § 87(2)(b).	
H.POM Thomas Podd	Abuse: Police Officer Thomas Podd refused to show the search warrant to § 87(2)(b).	

Officer(s)	Allegation	Investigator Recommendation
I. An officer	Discourtesy: At the 63rd Precinct Stationhouse, an officer spoke discourteously to § 87(2)(b)	

Case Summary

On October 17th, 2018, § 87(2)(b) filed this complaint via call to CCRB's intake unit.

On September 12th, 2018 at approximately 8:00am, Police Officer Triston Trunk of the 63rd Precinct entered and searched § 87(2)(b) in Brooklyn during the execution of a valid no-knock search warrant and with the assistance of other officers, including Sergeant Charles Arnone and Police Officer Thomas Podd, both of the 63rd Precinct (**Allegations A and B: Abuse of Authority**, § 87(2)(g)). While inside § 87(2)(b) PO Trunk allegedly told § 87(2)(b) that if the officers did not find anything, he would get permission from the commanding officer to break up everything in the house to get what they needed (**Allegation C: Abuse of Authority**, § 87(2)(g)). PO Trunk also allegedly stated that if officers found anything at that point, they would arrest everyone in the house, including § 87(2)(b) the homeowner, who was not present (**Allegation D: Abuse of Authority**, § 87(2)(g)). During the search, Sergeant Arnone covered up § 87(2)(b)'s exterior surveillance camera (**Allegation E: Abuse of Authority**, § 87(2)(g)).

§ 87(2)(b) later arrived at the house while officers were still conducting their search. Both at the house and later at the 63rd Precinct Stationhouse, PO Trunk, Sgt. Arnone, and PO Podd allegedly refused to show § 87(2)(b) a copy of the search warrant (**Allegations F-H: Abuse of Authority**, § 87(2)(g)). PO Trunk or Sgt. Arnone allegedly told § 87(2)(b) "I don't have to give you shit" (**Allegation I: Discourtesy**, § 87(2)(g)).

Video footage of the entry and search were obtained by the investigation from § 87(2)(b)'s exterior surveillance camera. Of the clips provided, one captures an allegation (Board Review 04)

Findings and Recommendations

Allegation A—Abuse of Authority: Police Officer Triston Trunk entered § 87(2)(b) in Brooklyn.

Allegation B—Abuse of Authority: Police Officer Triston Trunk searched § 87(2)(b) in Brooklyn.

§ 87(2)(b) (Board Review 01, 02) and § 87(2)(b) (Board Review 03) provided sworn statements to the CCRB.

§ 87(2)(b) (Board Review 05) and § 87(2)(b) (Board Review 06), the other two residents of § 87(2)(b) did not provide statements as per counsel from their lawyers.

PO Trunk (Board Review 10), Sgt. Arnone (Board Review 09), and PO Podd (Board Review 08) were interviewed at the CCRB.

The investigation determined that the entry into and search of § 87(2)(b) in Brooklyn on September 12th, 2018 were conducted in accordance with valid Kings County no-knock search warrant number § 87(2)(b), which was signed by the Honorable § 87(2)(b) on § 87(2)(b) (Board Review 07). The search warrant specifies entry is to be made between 6:00am and 9:00pm.

As per NYS Criminal Procedure Law Section 690.05, officers may forcibly enter and search a location pursuant to a valid search warrant (Board Review 11).

§ 87(2)(g)

Allegation C—Abuse of Authority: Police Officer Triston Trunk threatened to damage § 87(2)(b) s property.

Allegation D—Abuse of Authority: Police Officer Triston Trunk threatened to arrest § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) recalled that after officers entered § 87(2)(b) he was handcuffed and brought into the kitchen. PO Trunk then approached him. § 87(2)(b) asked him why the officers were in the home and PO Trunk replied that they were looking for the guns and weed. PO Trunk told § 87(2)(b) to confess whatever he had in the house now because it would be worse later. PO Trunk then told § 87(2)(b) that if the officers did not find anything, he would get permission from the commanding officer to break up everything in the house to get what they needed. He stated that if officers found anything at that point, they would arrest everyone in the house including his mother, § 87(2)(b) who at this time was not at the house.

PO Trunk recalled that after entering § 87(2)(b) he approached § 87(2)(b) first as he was the subject in the warrant. PO Trunk told § 87(2)(b) that he was under arrest and explained to him why the officers were at the house. § 87(2)(b) asked to see the warrant so PO Trunk showed a copy to him. PO Trunk stated that he was not asking any questions of § 87(2)(b) during this conversation. PO Trunk did not tell § 87(2)(b) that the officers would break anything in the house and stated in his interview that the officers did not break anything except the door. PO Trunk recalled that § 87(2)(b) told him that he hoped the officers would break things so that he could get a lawsuit and stated that he would get a lot of money out of this incident. When asked if he told § 87(2)(b) that he would arrest everyone, PO Trunk clarified that he had told § 87(2)(b) that everyone in the house was under arrest. PO Trunk stated in his interview that a forged credit card, narcotics, a gravity knife, and marijuana were all recovered from the house. PO Trunk does not recall any other officers being in the vicinity during his interaction with § 87(2)(b)

Sgt. Arnone's only interaction with § 87(2)(b) was obtaining his pedigree information in preparation for him to be removed from the location. Sgt. Arnone observed PO Trunk speaking with § 87(2)(b) but he is unaware of the content of their conversation. Sgt. Arnone did not hear any of the conversation between § 87(2)(b) and PO Trunk.

PO Podd did not observe any of the people who were arrested nor did he observe any of the interactions other officers had with these people. He stated that he was in and out of the house throughout the execution of the warrant so he may not have seen everything that was occurring.

§ 87(2)(g)

NYS Criminal Procedure Law 140.10 states that “a police officer may arrest a person for any offense when he or she has reasonable cause to believe that such person has committed such offense” (Board Review 12)

§ 87(2)(g)

Allegation E—Abuse of Authority: Sergeant Charles Arnone interfered with § 87(2)(b)'s use of a recording device.

On September 12, 2018 at around 8:20am, § 87(2)(b) was at work § 87(2)(b) when she received a notification on her phone from her exterior motion-sensitive security cameras that there was activity outside her house. § 87(2)(b)'s security system is called Ring and she is able to live-stream the footage from her cell phone. § 87(2)(b) was watching the footage on the Ring and saw police vans pull up outside and about 20 officers with big guns exit the van and approach her house. She saw the officers break through the front door and the gate in front of the door. § 87(2)(b) then decided to return to her house.

When she walked towards the front door at § 87(2)(b) she noticed a flyer blocking her security camera so she flicked the flyer off. An officer, identified through the investigation as Sgt. Arnone, yelled, “Why did you do that?” § 87(2)(b) told him that she was on the phone with her lawyer and the lawyer wanted to know why they had covered up the camera. Sgt. Arnone said, “I don’t have to talk to you.” § 87(2)(b) asked again why he covered the camera and he said it was for the security of his men.

§ 87(2)(b) provided nine video clips captured by her Ring camera from the day of the incident and one from the day prior to the incident (Board Review 20-28, 04). It is clear from the sequence of events in the videos that by the time Sgt. Arnone covered the surveillance camera, ESU had already entered the house and left the scene and that other officers had already been in and out of the house.

Sgt. Arnone did not recall § 87(2)(b) saying anything to him about surveillance cameras. Sgt. Arnone did observe cameras, which he described as closed caption surveillance cameras. He also stated that a hard drive was taken as part of the investigatory evidence under the warrant to corroborate the investigation. Sgt. Arnone stated that surveillance cameras are considered counter surveillance and that under a search warrant, he can seize surveillance cameras to corroborate why the search was conducted and that it was conducted for the proper reasons. § 87(2)(e), § 87(2)(f)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Sgt. Arnone initially stated that he did not recall covering up any of the cameras. Sgt. Arnone was then shown a video clip from § 87(2)(b)'s Ring camera (Board Review 04). Sgt. Arnone identified himself as the man seen securing a flyer over the surveillance camera to block the lens at 00:08. Sgt. Arnone amended his previous statement and stated that he had been trying to cover up the audio portion of the recording device as per what he had previously described § 87(2)(e), § 87(2)(f) There is audio throughout the video, including the last 10 seconds after the flyer has been secured.

PO Trunk knew about the Ring camera from when he had visited the home during his reconnaissance. When asked if there was any procedure as far as surveillance cameras during the execution of search warrants, PO Trunk stated that it depends on the situation, for example they may do something if the cameras are impeding their investigation or if the officers are speaking with confidential informants on the phone. PO Trunk stated that he did not do anything with the camera during this search warrant, though he had heard that the camera had been blocked for safety reasons. § 87(2)(e), § 87(2)(f)

§ 87(2)(b)

§ 87(2)(e), § 87(2)(f) PO Trunk knows that the Ring cameras have audio, both from prior experience and because § 87(2)(b) had been able to speak through the Ring when the officers were entering the house. PO Trunk does not know if covering up the lens would stop audio from recording.

PO Podd did not observe any surveillance cameras. He was not made aware of any surveillance cameras. When PO Podd was asked if any officer covered surveillance cameras, he stated that he did not know there were cameras.

NYPD Patrol Guide procedure 203-29 outlines the procedure for members of service encountering individuals recording police activity. This procedure establishes that as a guideline, members of service should not “intentionally block or obstruct cameras or other recording devices when there is no legitimate law enforcement reason to do so” (Board Review 13).

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Allegation F – Abuse of Authority: Police Officer Triston Trunk refused to show the search warrant to § 87(2)(b)

Allegation G – Abuse of Authority: Police Officer Thomas Podd refused to show the search warrant to § 87(2)(b)

Allegation H – Abuse of Authority: Sergeant Charles Arnone refused to show the search warrant to § 87(2)(b)

§ 87(2)(b) recalled that after speaking with Sgt. Arnone about the cameras, she then asked to see the warrant and officers told her she had to wait. After about 15 minutes, § 87(2)(b) saw officers walk out of the house with a green plastic crate that was covered so she could not see what was inside. § 87(2)(b) again asked to see the warrant and the community affairs officer, identified by the investigation as PO Podd, told her she would have to come to the 63rd Precinct to see it.

The officers then left her house so § 87(2)(b) went to the 63rd Precinct stationhouse. § 87(2)(b) arrived before the officers and remained outside the stationhouse waiting for them. When she saw the officers from her house walking up to the stationhouse, § 87(2)(b) again asked to see the warrant, asking PO Trunk and Sgt. Arnone in particular. Either PO Trunk or Sgt. Arnone stated that they already showed the warrant and walked away.

§ 87(2)(b) then saw PO Podd walking behind the other officers so she called out to him. He approached her and asked what the matter was. When § 87(2)(b) told him that she wanted to see the warrant, he walked in and came back outside with the warrant. He would not let § 87(2)(b) hold it and rather kept the bottom part of the warrant folded over so that § 87(2)(b) could only see part of it. He told her that he could not let her see what was on

the bottom part. The part of the warrant § 87(2)(b) could read said her address, § 87(2)(b) s name, and a description of the gates of the house, and something about weapons.

PO Trunk recalled that § 87(2)(b) arrived on scene very quickly after stating on the phone that she was coming. When § 87(2)(b) arrived at the house, the officers let her come into the house. When § 87(2)(b) came inside, she spoke with PO Trunk and Sgt. Arnone. She asked to see the warrant and was upset about her door. § 87(2)(b) was shown the warrant. PO Trunk thinks that she was also permitted to take a photograph of the warrant. PO Trunk stated that he carried copies of the warrant as did Sgt. Arnone. PO Trunk stated that § 87(2)(b) did ask him specifically to see the warrant and that he showed her a copy of the warrant. PO Trunk did not observe any other officers refuse to show § 87(2)(b) the warrant.

At some point during the arrest processing of § 87(2)(b) and § 87(2)(b) PO Trunk learned that § 87(2)(b) had come to the 63rd Precinct and again asked to see the warrant. PO Trunk knew that officers had told § 87(2)(b) she could come to the precinct after the search was completed if she had further questions. PO Trunk saw § 87(2)(b) enter the stationhouse, yelling about the search warrant and that her son had a lawyer, but stated that he did not really interact with her and that his main interaction with her had been back at the house. § 87(2)(b) did not approach PO Trunk nor did she ask PO Trunk to show her the warrant at the 63rd Precinct. PO Trunk stated that he did not speak with § 87(2)(b) at the 63rd Precinct and that PO Podd showed her the warrant at the stationhouse.

Sgt. Arnone recalled that when § 87(2)(b) arrived at the residence, she introduced herself as § 87(2)(b) s mother and asked him about the police presence at the location and why they were there. § 87(2)(b) then asked Sgt. Arnone to see the warrant and he himself showed her the warrant. Sgt. Arnone did not give it to her to hold because it is a legal court document but he did hold it out for her to read. Sgt. Arnone believes that § 87(2)(b) also took a picture of the warrant on her cell phone. Sgt. Arnone recalled § 87(2)(b) asking to see the warrant multiple times at the residence and that every time she asked, officers gave it to her.

Sgt. Arnone did not have any interaction with § 87(2)(b) at the 63rd Precinct stationhouse. PO Trunk informed Sgt. Arnone that § 87(2)(b) was present and that it was in reference to the search warrant and that PO Trunk did have a conversation with § 87(2)(b) at the 63rd Precinct. Sgt. Arnone does not recall hearing or being informed by another officer that § 87(2)(b) complained of not being able to see the warrant nor did he ever observe any officer refuse to show § 87(2)(b) the search warrant.

PO Podd did not hear § 87(2)(b) ask any of the officers at the house to see the search warrant. At the 63rd Precinct, PO Podd first observed § 87(2)(b) outside the front entrance. PO Podd did not recall seeing the male at the house. § 87(2)(b) approached PO Podd and asked to see the search warrant. PO Podd did not remember if he was with a group of officers or if he was alone. He did not recall if she approached him specifically and did not recall if she approached any other officers outside the precinct.

When she asked to see the warrant, PO Podd asked her to wait outside and went into the precinct. He asked Sgt. Arnone if he could show her the warrant, then made a copy of the warrant which he took out to § 87(2)(b) PO Podd stated that he let § 87(2)(b) look at the warrant which he clarified meant he let her hold the warrant in her hands. PO Podd did not remember folding over part of the warrant or not allowing her to look at a part of the warrant. She looked the warrant over then thanked PO Podd and left.

NYPD Patrol Guide Procedure 221-17, officers are required to show warrants upon request (Board Review 14).

§ 87(2)(g)

[REDACTED]

Allegation I – Discourtesy: An officer spoke discourteously to § 87(2)(b)

After asking PO Trunk and Sgt. Arnone to see the warrant at the 63rd Precinct Stationhouse, § 87(2)(b) asked them for any vouchers and either PO Trunk or Sgt. Arnone told her, “I don’t have to give you shit.” § 87(2)(b) was unable to recall if it was PO Trunk or Sgt. Arnone who had spoken discourteously to her.

PO Trunk denied that he had any interaction with § 87(2)(b) at the 63rd Precinct Stationhouse. During his interaction with her at the house, however, PO Trunk never told § 87(2)(b) “I don’t have to show you shit” nor did he hear any other officer tell her that.

Sgt. Arnone does not recall encountering § 87(2)(b) at the 63rd Precinct. PO Trunk informed Sgt. Arnone that § 87(2)(b) was present and that it was in reference to the search warrant. He was informed by PO Trunk that PO Trunk did have a conversation with § 87(2)(b) at the 63rd Precinct. Sgt. Arnone does not recall saying to § 87(2)(b) “I don’t have to show you shit” or “I don’t have to give you shit.” He did not observe any other officer speaking discourteously to § 87(2)(b) either at the precinct or at § 87(2)(b).

PO Podd did not recall any officer using profanity when speaking to civilians and stated that he himself did not use any profanity. He did not remember if § 87(2)(b) said anything about officers using profanity while they were talking outside the 63rd Precinct stationhouse.

§ 87(2)(g)

[REDACTED]

Civilian and Officer CCRB Histories

- This is the second CCRB complaint to which § 87(2)(b) has been party. The (Board Review 15)
- This is the first CCRB complaint to which § 87(2)(b) has been party (Board Review 16).

- PO Triston Trunk has been a member-of-service for 4 years and has been a subject in 7 prior CCRB complaints and 24 allegations, 4 of which were substantiated.
 - Case 201710160 involved a substantiated allegation of vehicle search. The Board recommended Command Discipline B.
 - Case 201805712 involved substantiated allegations of force, discourteous word, and discourteous action. The Board recommended Command Discipline B for all.
 - § 87(2)(g) [REDACTED]
- Sgt. Charles Arnone has been a member-of-service for 7 years and has been a subject in 6 prior CCRB complaints and 15 allegations, one of which was substantiated.
 - Case 201307172 involved a substantiated allegation of vehicle search. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A.
 - § 87(2)(g) [REDACTED]
- PO Thomas Podd has been a member-of-service for 12 years and has been a subject in 1 prior CCRB complaints and 1 allegation, which was not substantiated. § 87(2)(g) [REDACTED]

Mediation, Civil and Criminal Histories

- § 87(2)(b) [REDACTED] declined to mediate this complaint.
- According to the Office of the Court Administration (OCA), § 87(2)(b) [REDACTED] has no history of convictions in New York City (Board Review 17).
- According to the Office of the Court Administration (OCA), § 87(2)(b) [REDACTED] has no history of convictions in New York City (Board Review 18). His arrest from this incident was sealed.
- As of February 21st, 2019, the New York City Officer of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (Board Review 19).

Squad No.: _____

Investigator:	_____ Signature	_____ Print Title & Name	_____ Date
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Squad Leader:	_____ Signature	_____ Print Title & Name	_____ Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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